

REMARKS

Claims 55-56 and 58-67 are pending in the present application. Claims 1-54 and 57 were previously canceled. Claim 68 has been canceled herein without prejudice or disclaimer.

Claims 55-56 and 58-67 have been amended, for the sole reason of advancing prosecution. Applicants, by canceling or amending any claims herein, make no admission as to the validity of any rejection made by the Examiner against any of these claims. Applicants reserve the right to reassert any of the claims canceled herein or the original claim scope of any claim amended herein, in a continuing application.

Claim 56 has been amended to incorporate the limitations of canceled claim 68; and to recite "at least one solid latent curing agent comprising an inert filler comprising barium sulfate, the inert filler being treated with a latent curing agent; said inert filler having a maximal particle size of less than 2 microns and optionally being porous; said latent curing agent being precipitated as a layer on said inert filler or being precipitated in the form of small crystals onto said inert filler surface and/or inside the internal porosity of said inert filler." The Examiner is thanked for indicating claim 56 allowable if rewritten to overcome the rejections under 35 USC § 112, second paragraph and to include all of the limitations of the base claim and any intervening claims. No new matter has been added.

The remaining claims have been amended to be properly dependent on independent claim 56 and/or to correct minor errors. No new matter has been added.

Support for the foregoing amendments appears throughout the specification and claims as originally filed. No new matter has been added.

In view of the following, further and favorable consideration is respectfully requested.

- I. At page 4 of the Official Action, claims 55, 56, and 58-68 have been rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement.***

The Examiner asserts with regard to claim 68, that "not all of the structural relationships describing the curing agent particles are supported by the specification." With regard to claim 58, the Examiner asserts that "not all of the epoxy resins ...set forth in claim 58 are supported by the Specification...." Regarding claim 65, the Examiner asserts that "not all of the impact modifiers and/or flexibilizers.....set forth in claim 65 are supported by the Specification...."

In view of the following, this rejection is respectfully traversed. Claim 68 has been canceled without prejudice or disclaimer, rendering this rejection moot with respect to this claim.

With regard to claim 68, claim 68 has been canceled without prejudice or disclaimer and claim 56 has been amended to place it in independent form and to incorporate the limitations of canceled claim 68 including the language suggested

by the Examiner. Accordingly, Applicants assert that all of the structural relationships describing the curing agent particles are supported by the specification.

Regarding claim 58, the Examiner's position is unclear. Applicants note that a Preliminary Amendment was filed in the present application on January 3, 2008. The Preliminary Amendment has been imaged and is available on PAIR. In the Preliminary Amendment, claim 58 was amended to be dependent on pending claim 68 and was amended to recite "hydrogenated bisphenol S epoxy resins." Claim 58 does not recite "bisphenol S epoxy resins." Claim 58 recites, in part, "consisting of hydrogenated bisphenol S epoxy resins, heterocyclic epoxy resins, bisphenol A epoxy resins, hydrogenated bisphenol A epoxy resins, bisphenol F epoxy resins, Novolak epoxy resins, Novolak epoxy resins of bisphenol A, and any mixture thereof." Page 4, lines 22-25 describe various epoxy resins including "DGEBA, EPN, ECN, DGEBAF, ...bisphenol A based novolac products...." A description of the foregoing abbreviations appears on page 2 of the present specification. Page 9, lines 1-7 of the specification, describes epoxy resins including "...**hydrogenated bisphenol A/F/S** type epoxy resin" Clearly, the specification describes hydrogenated bisphenol S epoxy resins. If this rejection is to be maintained, clarification is requested.

With regard to claim 65, claim 65 has been amended to delete "hydroxyls" and "zirconate, titanate, and aluminate."

In view of the foregoing, it is submitted that claims 55, 56, and 58-67 fully comply with the written description requirement of 35 USC § 112, first paragraph. Accordingly, the Examiner is respectfully requested to withdraw this rejection of pending claims 55, 56, and 58-67.

II. At page 5 of the Official Action, claims 55, 56 and 58-68, have been rejected under 35 USC § 112, second paragraph, as being indefinite.

The Examiner asserts that, with regard to claim 68, it is unclear what “dispersed in small crystals in a dispersing agent layer” means.

In view of the following, this rejection is respectfully traversed. Claim 68 has been canceled without prejudice or disclaimer, rendering this rejection moot with respect to this claim.

With regard to claim 68, claim 68 has been canceled without prejudice or disclaimer and claim 56 has been amended to place it in independent form and to incorporate the limitations of canceled claim 68 including the language suggested by the Examiner. Claim 68 does not recite “dispersed in small crystals in a dispersing agent layer.”

In view of the foregoing, it is submitted claims 55, 56, and 58-67 are clear and definite within the meaning of 35 USC §112, second paragraph. Accordingly, the Examiner is respectfully requested to withdraw this rejection of pending claims 55, 56, and 58-67.

III. At page 6 of the Official Action, claims 58, 59 and 65 have been objected to.

The Examiner asserts that "All of these claims are dependent from cancelled claims."

The Examiners assertion is unclear. Applicants again note that a Preliminary Amendment was filed in the present application on January 3, 2008. In the Preliminary Amendment, claim 58 was amended to be dependent on pending claim 68, claim 59 was amended to be dependent on pending claim 68 and claim 65 was amended to be dependent on pending claim 64. Accordingly, all of claims 58, 59 and 65, prior to the instant Amendment and Response, are dependent on pending claims.

In view of the foregoing, the Examiner is respectfully requested to withdraw this objection.

IV. At page 6 of the Official Action, claims 55 and 59-68 have been rejected under 35 USC § 103 (a), as being unpatentable over Sano et al. in view of Hopper et al.

The claims have been amended to be directly or indirectly dependent on independent claim 56. Claim 56 has been amended to place it in independent form including the limitations of claim 68. The Examiner has indicated claim 56 allowable.

In view of the foregoing, the Examiner is respectfully requested to withdraw this rejection.

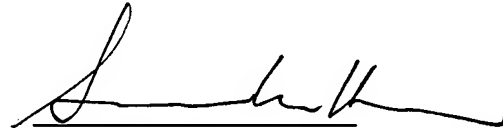
CONCLUSION

Applicants assert that the claims are in condition for immediate allowance and early notice to that effect is earnestly solicited. Should the Examiner deem that any further action by Applicants' undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,

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